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Mailed: MAY 11 2004

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Paper Number 10

In re application of  
Richard Haight et al.  
Serial No. 09/933,461  
Filed: August 20, 2001  
For: METHOD FOR MINIMIZING SAMPLE DAMAGE  
DURING THE ABLATION OF MATERIAL USING A  
FOCUSED ULTRASHORT PULSED LASER BEAM

DECISION ON  
PETITION

This is a response to the REQUEST TO WITHDRAW NOTICE OF ABANDONMENT originally filed July 30, 2003 and resubmitted by facsimile transmission on February 12, 2004. The request asks that the abandonment, as set forth in the Notice of Abandonment of July 22, 2003, for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance be withdrawn. The requester asserts that a timely response in the form of a REQUEST FOR CONTINUED EXAMINATION was filed on June 10, 2003.

**DECISION**

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the USPTO application file reveals that applicant's response, REQUEST FOR CONTINUED EXAMINATION, was properly filed on June 10, 2003 in view of the fact that the originally filed papers having a fax receipt transmission indication of June 10, 2003 and Patent and Trademark Office fax receipt stamp of June 11, 2003 thereon have been located in the USPTO electronic application file. Accordingly, any holding of abandonment is hereby vacated, and the application has been returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers filed June 10, 2003.

The Petition is **GRANTED**.

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